

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ZACHARY GUSTAFSON,

No. 3:22-cv-00921-JR

Plaintiff,

OPINION AND ORDER

v.

**UNITED STATES DEPARTMENT OF
ENERGY et al.,**

Defendants.

MOSMAN, J.,

On March 13, 2023, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [ECF 44] recommending that I grant Defendant Salient CRGT’s Motion to Dismiss [ECF 31]. Plaintiff Zachary Gustafson filed objections [ECF 46], to which Salient CRGT responded [ECF 47]. Upon review, I agree with Judge Russo, and I GRANT the Motion to Dismiss.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*


Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Russo's recommendation, and I ADOPT the F&R [ECF 44] as my own opinion. The Motion to Dismiss [ECF 31] is GRANTED. Any motion to amend the complaint must conform with the F&R and be filed within 30 days of this order.

IT IS SO ORDERED.

DATED this 25th day of May, 2023.


MICHAEL W. MOSMAN
Senior United States District Judge